

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 1, 1989
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:19 a.m. The meeting was recessed by Mayor O'Connor at 11:32 a.m. to meet in closed session at 2:00 p.m. in the twelfth floor conference room on pending litigation and to reconvene immediately thereafter.

The meeting was reconvened by Mayor O'Connor at 2:19 p.m. with Council Members Roberts, McColl and McCarty not present. The meeting was recessed by Mayor O'Connor at 3:05 p.m. to convene as the Special Joint Council Meeting with the Redevelopment Agency and the Regular Meeting of the Redevelopment Agency. The meeting was reconvened by Mayor O'Connor at 4:02 p.m. with Council Members Wolfsheimer, Roberts and Henderson not present. Mayor O'Connor adjourned the meeting at 4:08 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-excused by R-274194
(City business in Washington, D.C., re airport)
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (eb;jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-330:

Two actions relative to Assessment District No. 4019, Otay
International Center, Phase II, under the Municipal
Improvement Act of 1913:

(Otay Mesa Community Area. District-8.)

Subitem-A: (R-90-151) ADOPTED AS RESOLUTION R-274130

Confirming the assessment, ordering the improvements made,
together with appurtenances, and approving the Engineer's
Report.

Subitem-B: (R-90-152) ADOPTED AS RESOLUTION R-274131

Authorizing assessment district bonds to be sold at a
public sale and directing a call for sealed bids.

FILE LOCATION: STRT D-2276

COUNCIL ACTION: (Tape location: A074-086.)

Hearing began 10:23 a.m. and halted 10:24 a.m.

MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: CONTINUED TO AUGUST 7, 1989, AT 2:00 P.M.

Matter of a proposal to amend Chapter 10, Article 3, Division 3 of the San Diego Municipal Code by adding Section 103.0307 relating to the La Jolla Shores Planned District to require that a developer of any property contemplating a development that will be located below the water table take certain actions with respect to water removal and disposal.

The proposed amendment also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved, the proposed LCP amendment must be transmitted to the California Coastal Commission for review and final approval. The proposed LCP amendment would not become effective until after approval by the California Coastal Commission.

(District-1.)

Subitem-A: (O-89-235)

Introduction of an Ordinance amending the La Jolla Shores Planned District Ordinance.

Subitem-B: (R-89-2621)

Adoption of a Resolution amending the Local Coastal Program (LCP) and authorizing transmittal to the California Coastal Commission.

FILE LOCATION: LAND - La Jolla Shores Planned District

COUNCIL ACTION: (Tape location: A105-B112; C010-015.)

Hearing began 10:25 a.m. and recessed 11:08 a.m.

Testimony in favor by Morris Blosten and John Berol.

Testimony in opposition by John Reed, Paul Benton, Paul Reed,
and Martin Mosier.

The hearing was closed.

The matter was trailed for Council to meet in closed session at
2:00 p.m. in the twelfth floor conference room on pending
litigation regarding the subject.

Hearing resumed at 2:20 p.m. and halted at 2:21 p.m.

MOTION BY WOLFSHEIMER TO CONTINUE TO AUGUST 7, 1989, AT 2:00
P.M., AT CITY MANAGER LOCKWOOD'S REQUEST. Second by Pratt.

Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, McColl-not present, Pratt-yea, Struiksmay-yea,
Henderson-yea, McCarty-not present, Filner-yea, Mayor
O'Connor-yea.

ITEM-332:

Matter of the request of Conrad Prebys for a waiver of
the Linda Vista Interim Ordinance (formerly Linda Vista
Emergency Ordinance) to allow construction of a 43-unit
multiple-family residential project with 82 on-site parking
spaces on Linda Vista Road between Fulton and Levant
Streets. The parcels currently contain 16 multiple-family
residential units. This project would result in a total of
43 new multiple-family residential units. The subject
property is further described as Lots 1, 2 and 6, Block 34,
Linda Vista Subdivision Unit No. 8, Map-3253 in Zone R-1500
in the Linda Vista Community Plan area. The property is
subject to the Linda Vista Interim Ordinance which requires
a discretionary permit.

(Case-88-0826. District-5.)

Subitem-A: (R-90-282) ADOPTED AS RESOLUTION R-274137

19890801

Adoption of a Resolution certifying that the information
contained in Environmental Negative Declaration END-88-0826
has been completed in compliance with the California
Environmental Quality Act of 1970 and State guidelines, and
that said declaration has been reviewed and considered by
the Council.

Subitem-B: (R-90-283) ADOPTED AS RESOLUTION R-274138,
GRANTING THE WAIVER AS AMENDED

Adoption of a Resolution granting or denying the waiver
with appropriate findings to support Council action.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C028-165.)

Hearing began at 2:22 p.m. and halted at 2:33 p.m.

Testimony in favor by Allen Haynie.

MOTION BY STRUIKSMA TO APPROVE THE WAIVER SUBJECT TO THE
PLANNING DIRECTOR FINDING THAT THE FINAL PLANS FOR THE PROJECT
INCLUDE ALL OF THE CONDITIONS REQUESTED BY THE COMMUNITY
PLANNING GROUP PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.

THAT THE COUNCIL DOES FIND THAT THERE ARE NO THREATS TO HEALTH
AND SAFETY, AND THE COMMUNITY PLANNING GROUP HAS NO DIFFICULTY
WITH THE CLIENTS PICKING UP WHERE THEY WERE IN THE PROCESS AND
GOING FORWARD. Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, McColl-not present,
Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present,
Filner-yea, Mayor O'Connor-yea.

ITEM-333:

Matters relating to the Carmel Del Mar Hotel project:

1. Request to subdivide a 21-acre site into 5 lots for
the following commercial development: a 226-room hotel
on Lot 1; a future 12,000 square-foot restaurant on Lot
2; a 55,000 square-foot office building on each of Lots
3 and 4; and no development on Lot 5. Reciprocal
parking and access variances are being requested. The
subject property is located on the east side of El
Camino Real between Carmel Valley Road (SR 56) and
Valley Centre Drive and is described as Parcels

19890801

2 and 3, Map-12871 and a Portion of the Southeast
Quarter of Section 19, Township 14 South, Range 3 West,

SBBM. The VC, EC and Coastal zoned site is within the North City West Community Plan area.

2. A proposal to vacate Carmel Valley Road (old alignment) east of El Camino Real, as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative parcel map for Carmel Del Mar Hotel (TM-88-0941).

(TM-88-0941. District-1.)

Subitem-A: (R-89-2005) ADOPTED AS RESOLUTION R-274139

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0941 has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-2004) ADOPTED AS AMENDED AS RESOLUTION
R-274140

Adoption of a Resolution authorizing the vacation of Carmel Valley Road (old alignment) east of El Camino Real as provided for under Section 66499.20-1/2 of the State Map Act.

Subitem-C: (R-90-287) ADOPTED AS RESOLUTION R-274141, GRANTED
THE MAP AS AMENDED

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

FILE LOCATION: Subitems A and C SUBD - Carmel Del Mar Hotel; Subitem B DEED F-4997, STRT J-2721

COUNCIL ACTION: (Tape location: C166-195.)

Hearing began at 2:33 p.m. and halted at 2:36 p.m.

MOTION BY WOLFSHEIMER TO APPROVE WITH THE PROVISION THAT THE VACATION BE CONDITIONED ON THE CONDEMNATION ACTION BECOMING FINAL, AND THE JUDGMENT ENTERED. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

**ITEM-334: (R-90-238) ADOPTED AS RESOLUTION R-274142, GRANTED
APPEAL, GRANTED AMENDMENT TO THE PERMIT**

Appeal of Billy and Patty Hammeken, by Donald R. Worley, Esq., from the decision of the Board of Zoning Appeals in partially granting the requested amendment to Conditional Use Permit C-20096, with modifications. The amendment requested to construct additional guest quarters as part of a detached garage where such use is permitted by Conditional Use Permit only and to provide an approximate 40'0" wide driveway and turnaround within the established 25'0" front yard, where a maximum 25'0" wide driveway is allowed. The subject property is located at 6018 La Jolla Scenic Drive South, in Zone R1-40000, in the La Jolla Community Plan area, and is further described as Lot 2, Book Terrace, Map-4829.

(CUP-C-20096. District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the amendment to the permit, with appropriate findings to support Council action.

FILE LOCATION: ZONE- Zoning Appeals Case C-20096

COUNCIL ACTION: (Tape location: D041-E060.)

Hearing began at 3:05 p.m. and halted at 3:47 p.m.

Testimony in favor of the appeal by Donald Worley and Patricia Hammeken.

Testimony in opposition to the appeal by Alan Perry, James Poet and Pat Haggerty.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL, GRANTING THE PROJECT WITH THE CONDITION THAT THE GUEST HOUSE BE USED FOR FAMILY OR STAFF, AND THAT FINDINGS CAN BE MADE THAT IT DOES COMPLY WITH THE LAW. Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

**ITEM-335: (R-89-2638) ADOPTED AS RESOLUTION R-274143,
ACCEPTING THE REPORT**

Matter of acceptance of the San Diego Association of Government's (SANDAG) Series 7 Growth Forecast as an aid in the development of local land use policies.

(City-wide.)

Adoption of a Resolution accepting the SANDAG Series 7 growth forecast.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C205-D040.)

Hearing began at 2:36 p.m. and halted at 3:04 p.m.

Council Member McColl entered at 2:40 p.m.

Mayor O'Connor left at 2:44 p.m. and entered at 2:55 p.m.

Council Member McCarty entered at 2:59 p.m.

Council Member Filner left at 2:45 p.m.

Motion by Wolfsheimer to accept the report with the provision that it be updated annually. Second by Pratt. No vote.

MOTION BY McCOLL TO ACCEPT THE REPORT. Second by Struiksma.

Passed by the following vote: Wolfsheimer-nay, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-nay, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-336: (R-90-) CONTINUED TO SEPTEMBER 5, 1989, AT 2:00 P.M.

Accepting and adopting the annual administrative budget for the Southeast Economic Development Corporation ("SEDC"); authorizing the City Auditor and Comptroller to establish the necessary accounts and to appropriate and allot all monies available in each project fund up to the amount budgeted and to record the expenditure of funds and the recovery of all accrued costs subject to the amount of revenues available in each project fund; authorizing SEDC's Executive Vice President, or his designee, to make budgetary transfers between the budgeted line items in accordance with Section 1.07 of the Operating Agreement with SEDC.

(See memorandum from SEDC Vice President.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C019-027.)

MOTION BY PRATT TO CONTINUE TO SEPTEMBER 5, 1989, AT 2:00 P.M.,
AT CITY MANAGER LOCKWOOD'S REQUEST. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, McColl-not present, Pratt-yea, Struiksma-yea,
Henderson-yea, McCarty-not present, Filner-yea, Mayor
O'Connor-yea.

ITEM-S405: (R-90-227 Corr. Copy) ADOPTED AS RESOLUTION R-274144

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Authorizing the execution of a purchase agreement and
escrow instruction for the acquisition of approximately 60
acres of property (Canyon Hills P.R.D., Map-11833, lying
southwesterly of the centerline of Mercy Road), for an
estimated total cost not to exceed \$13 million from Barratt
American Incorporated for park purposes under CIP-29-728.0,
Acquisition of Canyon Hills Residential Development;
authorizing the transfer of an amount not to exceed \$6.1
million from the Mira Mesa Area Facilities Benefit
Assessment Fund 79006 to CIP-29-728.0, Acquisition of
Canyon Hills Residential Development; authorizing the
expenditure of an amount not to exceed \$6.1 million from
Facilities Benefit Assessment Fund 79006, CIP-29-728.0,
Acquisition of Canyon Hills Residential Development, as
partial payment toward the cost of the property and related
costs; authorizing the City Manager to execute a First
Trust Deed and Note on the above property in favor of
Barratt American Incorporated in the amount of \$5.5
million, plus interest at a rate of ten percent per annum,
payable \$2 million plus accrued interest on September 1,
1990, and \$3.5 million plus accrued interest on September
1, 1991; authorizing the City Manager to accept City
standard form deeds to be executed by Barratt American

Incorporated or Barratt American Incorporated and/or Jerry L. Elder, conveying to the City of San Diego fee title to all those portions of Canyon Hills P.R.D., Map-11833, lying southwesterly of the centerline of Mercy Road, that are not already owned by the City.

(Mira Mesa Community Area. District-5.)

Aud. Cert. 9000143.

FILE LOCATION: DEED F-5000 DEEDFY90-1

COUNCIL ACTION: (Tape location: A071-074, E240-315.)

MOTION BY PRATT TO TRAIL FROM THE MORNING SESSION TO THE AFTERNOON SESSION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO APPROVE. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: RETURNED TO CITY MANAGER

(Continued from the meeting of May 30, 1989, Item S415, at Council Member Struiksma's request, in accordance with the Transportation and Land Use Committee recommendation.)

Two actions relative to the Scripps Miramar Ranch -
Facilities Benefit Assessment:

(See City Manager Report CMR-89-242. Scripps Miramar Ranch Community Area. District-5.)

Subitem-A: (R-89-2265)

Approving the document entitled "Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, February, 1989".

Subitem-B: (R-89-2266)

Resolution of Intention to designate an area of benefit in Scripps Miramar Ranch and setting the time and place for holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 5/22/89.

Recommendation to continue for 60 days pending Council action on applicable policy amendments regarding parks and open space financing. Districts 1, 2, 4 and 5 voted yeas. District 8 not present.

FILE LOCATION: STRT FB-11

COUNCIL ACTION: (Tape location: A060-064.)

MOTION BY STRUIKSMA TO RETURN TO THE CITY MANAGER AT THE CITY MANAGER'S REQUEST. Second by McCarty. Passed by the following vote: Wolfsheimer-yeas, Roberts-not present, McColl-yeas, Pratt-yeas, Struiksma-yeas, Henderson-not present, McCarty-yeas, Filner-yeas, Mayor O'Connor-yeas.

ITEM-S501: (R-89-2382) ADOPTED AS RESOLUTION R-274132

(Continued from the meeting of July 25, 1989, Item 331, at the City Manager's request, to answer questions.)

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District was established in May 1987. The facility proposed to be maintained consists of San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20-foot-wide buffer zone running along and adjacent to the channel embankments. The proposed maintenance costs for the district for Fiscal Year 1990 are as follows:

Contractual Maintenance	\$105,250
Personnel	9,814
Utilities	2,550
Incidentals	\$ 14,048
Total Expenses	\$131,662
Reserve	\$ 12,579

Total	\$144,241
Less Carry-over and Interest	17,000
Less City Contribution	
-0-Assessed to District	\$127,241

Fiscal Year 1990 assessments will range from \$350 to \$25,000 per parcel, as compared to a range from \$100 to \$7,500 in Fiscal Year 1989. The apparent increase in the assessments is due to the fact that the assessments in Fiscal Year 1989 corresponded to only the last three months of the Fiscal Year.

FILE LOCATION: STRT M-195

COUNCIL ACTION: (Tape location: A094-104.)

Hearing began 10:24 a.m. and halted 10:25 a.m.

MOTION BY STRUIKSMA TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502:

(Continued from the meeting of July 24, 1989, Item 131, for a report from the City Manager.)

Four actions relative to in lieu taxes and standby charges:

(See City Manager Report CMR-89-354.)

Subitem-A: (R-90-99) ADOPTED AS RESOLUTION R-274133

Electing to pay a sum not to exceed \$8,000,000 out of Municipal funds, said sum being 100 percent of the amounts to be levied by the San Diego County Water Authority in lieu of taxes which would otherwise be levied upon property within the City, in lieu charges as a condition of service, and in lieu payments for water standby availability charges for property within the City for the fiscal year beginning July 1, 1989, and ending June 30, 1990.

Subitem-B: (R-90-98) NOTED AND FILED

Declaring the City of San Diego's intention to pay out of its Municipal funds the whole of the amount of taxes to be derived from that area of the Metropolitan Water District of Southern California which is within the City for the fiscal year beginning July 1, 1990, in an amount to be fixed in August, 1990, by Resolution of the Board of Directors of the District.

Subitem-C: (R-90-101) NOTED AND FILED

Declaring the City of San Diego's intention to pay out of Municipal funds the whole of the amount of taxes, in lieu

charges as a condition of service, and in lieu payments for water standby availability charges, to be derived from that area of the San Diego County Water Authority that is within the City of San Diego, for the fiscal year beginning July 1, 1990 in the amounts to be fixed in August, 1990 by Resolution of the Board of Directors of the Authority.

Subitem-D: (R-90-100) ADOPTED AS RESOLUTION R-274134

Electing to pay a sum not to exceed \$7,300,000 out of Municipal funds, said sum being 100 percent of an amount in lieu of taxes which would otherwise be levied upon property within the City by the Metropolitan Water District of Southern California for the fiscal year beginning July 1, 1989 and ending June 30, 1990, and appropriating such in lieu amount.

Aud. Cert. 9000087.
WU-S-90-003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B112-426.)

MOTION BY McCOLL TO APPROVE THE CITY MANAGER'S RECOMMENDATION TO ADOPT SUBITEM-A, NOTE AND FILE SUBITEMS B AND C, AND ADOPT SUBITEM-D. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea,

Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S503: (R-89-2473) ADOPTED AS RESOLUTION R-274135

(Continued from the meetings of June 26, 1989, Item 106, July 10, 1989, Item 203 and July 24, 1989, Item 201; last continued at the City Manager's request, for further review.)

Awarding contracts for the purchase of sewer and water flow monitoring systems, for a total cost of \$172,086.76, including tax, terms and freight, as follows:
(BID-0678/89)

1. Montedoro-Whitney Corporation for Item 1;
2. Omnidata International, Inc. for Item 2.
Aud. Cert. 8901051.

FILE LOCATION: MEET CONTFY90-2

COUNCIL ACTION: (Tape location: B510-551.)

Motion by Struiksma to award the contract to ADS. No second.

MOTION BY McCARTY TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-nay, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S504: PRESENTATION MADE

Proclaiming the first week in August to be "Argentina Week" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A039-060.)

ITEM-CS-1: (R-90-257) ADOPTED AS RESOLUTION R-274136

A Resolution adopted by the City Council in Closed Session on August 1, 1989:
Authorizing and empowering the City Manager to pay the sum of \$218,833.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in U.S. District Court Case No. 88-1585-GT(IEG) Mary Dubose v. City of San Diego, et al., resulting from the wrongful death of Tommie Charles Dubose; authorizing the City Auditor and Comptroller to issue two checks: (1) in the amount of \$65,000.00 made payable to Mary Dubose and her attorney of record, James Randall; and (2) in the amount of \$153,833.00 made payable to Transamerica Annuity Service Corporation in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

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ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor at 4:08 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E316).